

1 BILL NO. R-86-08-02

2 RESOLUTION NO. R- 5786

3 A RESOLUTION RATIFYING AND APPROVING DECLARATORY RESOLUTION
4 86-24 OF THE FORT WAYNE REDEVELOPMENT COMMISSION AND THE
5 APPROVING RESOLUTION OF THE FORT WAYNE PLAN COMMISSION

6 WHEREAS, the Fort Wayne Redevelopment Commission on June
7 30, 1986, adopted Declaratory Resolution 86-24, said Resolution
8 being Amendment No. 5 to the Civic Center Renewal Project, which
9 Resolution is attached hereto and made a part hereof and marked
10 Exhibit "A"; and

11 WHEREAS, the Fort Wayne Plan Commission adopted a
12 Resolution approving the Declaratory Resolution and Redevelopment
13 Plan on July 28, 1986, a copy of said Resoluton being attached
14 hereto and made a part hereof as Exhibit "B"; and

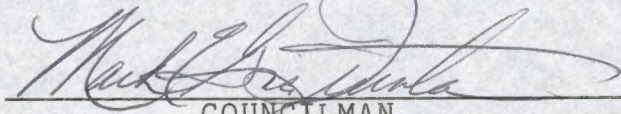
15 WHEREAS, pursuant to I.C. 36-7-14-16, the Redevelopment
16 Commission may not proceed with the acquisition of a blighted area
17 until the approval of the Declaratory Resolution by this Common
18 Council; and

19 WHEREAS, this Common Council has reviewed said Resolutions
20 and desires to approve same;

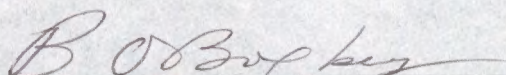
21 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
22 CITY OF FORT WAYNE, INDIANA:

23 SECTION 1. Declaratory Resolution 86-24 of the Fort
24 Wayne Redevelopment Commission, attached hereto as Exhibit "A", and
25 the Resolution of the Fort Wayne Plan Commission, attached hereto as
26 Exhibit "B", are hereby approved, ratified, and confirmed.

27 SECTION 2. This Resolution shall be in full force and
28 effect from and after its passage and approval by the Mayor.

29 
30 COUNCILMAN

31 APPROVED AS TO FORM AND LEGALITY.

32 
Bruce O. Boxberger, City Attorney
Dated this 11th day of August, 1986.

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M., E.S.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta,
seconded by Shaw, and duly adopted, placed on its
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: _____

8-12-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. 2-57-86

on the 12th day of August, 1986,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 12th day of August, 1986
at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August
1986, at the hour of 10 o'clock A. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RESOLUTION NO. 86-24

DECLARATORY RESOLUTION
AMENDMENT NO. FIVE TO
CIVIC CENTER RENEWAL PROJECT

*Exhibit
A*

WHEREAS, the Fort Wayne Redevelopment Commission has made investigations, studies, and surveys of various blighted, deteriorated, and deteriorating areas within the City of Fort Wayne, Indiana, and of the causes contributing to the blight and deterioration of such areas; and

WHEREAS, such investigations, studies, and surveys have been made in cooperation with the various departments and bodies of said City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values, and as a result of such investigations, studies, and surveys, the Commission has found that the area heretofore described in the Civic Center Renewal Plan dated August 1, 1977 and amended on December 19, 1980, and amended June 21, 1982 and amended on January 28, 1986 and further amended on June 30, 1986 consisting of 22 pages and 5 exhibits is blighted, deteriorated, and deteriorating. Specifically, the following described area in the City of Fort Wayne, Indiana is found and declared to be blighted, deteriorated, and deteriorating to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as amended and supplemented and which area is bounded and described as follows:

BEGINNING at the point of intersection of the northerly right-of-way line of Washington Boulevard and the easterly right-of-way line of Clinton Street; Thence northerly along the easterly right-of-way line of Clinton Street to the northerly right-of-way line of the east west alley running from Clinton Street to Barr Street; Thence easterly along the northerly right-of-way line of the east west alley running from Clinton Street to Barr Street for a distance of approximately 235 feet; Thence northerly along a line parallel to the easterly right-of-way line of Clinton Street for a

distance of approximately 150 feet to the southerly right-of-way line of Wayne Street; Thence easterly along the southerly right-of-way line of Wayne Street to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the southerly right-of-way line of the east west Alley running from Barr Street to Lafayette Street; Thence easterly along the southerly right-of-way line of the east west alley running from Barr Street to Lafayette Street a distance of approximately 287.4 feet to the eastern boundary of Lot 272 of Samuel Hanna's First Addition; Thence northerly along said easterly boundary of Lot 272 of Samuel Hanna's First Addition and continuing along the easterly boundary of Lot 64 of County Addition, a distance of 150 feet to the southerly right-of-way line of Berry Street; thence westerly along the southerly right-of-way line of Berry Street approximately 287.4 feet to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the northerly right-of-way line of Main Street; Thence westerly along the northerly right-of-way line of Main Street to the extension of the easterly right-of-way line of the north south Alley running from Berry Street to Main Street; Thence southerly along the extension of the easterly right-of-way line of the north south alley running from Berry Street to Main Street and along the easterly right-of-way line of the north south alley running from Berry Street to Main Street to the northerly right-of-way line of Berry Street; Thence westerly along the northerly right-of-way line of Berry Street to the westerly right-of-way line of Clinton Street; Thence southerly along the westerly right-of-way line of Clinton Street to the northerly right-of-way line of Wayne Street; Thence westerly along the northerly right-of-way line of Wayne Street to the westerly right-of-way line of Harrison Street; Thence southerly along the westerly right-of-way line of Harrison Street to the southerly right-of-way line of Lewis Street; Thence easterly along the southerly right-of-way line of Lewis Street to the easterly right-of-way line of Calhoun Street; Thence northerly along the easterly right-of-way line of Calhoun Street to the southerly right-of-way line of Jefferson Boulevard; Thence easterly along the southerly right-of-way line of Jefferson Boulevard to the easterly right-of-way line of Clinton Street; Thence northerly along the easterly right-of-way line of Clinton Street to the POINT OF BEGINNING.

and that the public health and welfare would be benefited by the urban renewal of such area under the provisions of said Act; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of the heretofore and hereinafter described blighted, deteriorated, and deteriorating area, the location of the various parcels of property, streets, alleys, and other features affecting the urban renewal of such area, indicating any parcels of property to be excluded from the acquisition and the portions of the area which are to be devoted to

streets, alleys, sewerage, playground and other public purposes under the Urban Renewal Plan; and

WHEREAS, the Commission has caused a separate appraisal to be made of the fair value of each of the parcels to be acquired, and the Commission now finds the estimated cost of acquiring the real property in the blighted, deteriorated, and deteriorating area hereinafter described is approximately Two Hundred Fifty Thousand Dollars and 00/100 (\$250,000.00) and;

WHEREAS, there was presented to this meeting of the Governing Body of the City of Fort Wayne, Department of Redevelopment, for its consideration and approval, a copy of Urban Renewal Plan Amendment for the area comprising the renewal project dated August 1, 1977, amended December 19, 1980, and amended June 21, 1982, and amended January 28, 1986, and further amended June 30, 1986 consisting of 22 pages and 5 exhibits, and;

WHEREAS, this Commission has, at a meeting open to the public, heard evidence and reviewed the maps and plats presented at the meeting and has considered same;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Redevelopment Commission that the Urban Renewal Plan for the Civic Center Renewal Project, dated August 1, 1977, amended December 19, 1980, and amended June 21, 1982 and amended October 7, 1982 and amended January 28, 1986 and further amended June 30, 1986 consisting of 22 pages and 5 exhibits be and the same is hereby approved.

BE IT FURTHER RESOLVED that in all proceedings relating to the urban renewal of the above described area, the same shall be referred to as the Civic Center Renewal Project.

BE IT FURTHER RESOLVED that the Commission now declares the above described area blighted, deteriorated, and deteriorating and a menace to the social and economic interests of the City of Fort Wayne and its inhabitants and that the urban renewal of such area shown on the above described maps and plats under the provisions of the Redevelopment Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as

amended and supplemented) will be of public utility and benefit, and that the Department of Redevelopment of the City of Fort Wayne will acquire all of such land and interests therein within said boundaries with the exception of those parcels to be excluded as indicated on maps of the area.

BE IT FURTHER RESOLVED that the Department of Redevelopment acquire, to the extent monies are available, the following parcels of real estate located on the above described area:

Parcel	Owner	Occupant
8-4	David M. Roth and Ralph Wehrly	Roth and Wehrly Realtors
10-1	City of Fort Wayne, IN	City of Fort Wayne, IN

BE IT FURTHER RESOLVED that the urban renewal of such area be in accordance with the Urban Renewal Plan for the Civic Center Renewal Project.

BE IT FURTHER RESOLVED pursuant to Section 36-7-14-39 of the Redevelopment of Blighted Areas of 1981, as amended and supplemented, as follows:

(a) As used in this Resolution for purposes of distribution and allocation of real property taxes, "allocations area" means all of the blighted area included in the description of real estate in this Declaratory Resolution.

(b) Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property and the allocation area described in the within Declaratory Resolution shall be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:

(i) the assessed value of such property for the assessment date with respect to which the allocation and distribution is made, or

(ii) the assessed value of all such property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this Declaratory Resolution; shall be allocated to and when collected paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to:

(A) pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area;

(B) restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area;

(C) pay the principal and interest of bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under I.C.

36-7-14-27; or

(D) pay principal and interest of bonds issued by the unit to pay for local public improvements in that allocation area, to reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in I.C. 36-7-14-21.1(a)) in that allocation area, or for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under I.C. 36-1-10.

(3) When the monies in the allocation fund are sufficient to pay when due all principal and interest on bonds described herein, and is not needed for the other purposes described herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in clause (1) of this section.

BE IT FURTHER RESOLVED that a copy of this Resolution, together with said Urban Renewal Plan and supporting data be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this Declaratory Resolution and said Urban Renewal Plan conform to the master plan of development for said City and for its written order approving or disapproving for said City and for its written order approving or disapproving this Declaratory Resolution and said proposed Urban Renewal Plan.

BE IT FURTHER RESOLVED that if an approving order is issued by said City Plan Commission, that same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

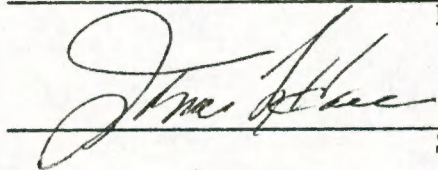
BE IT FURTHER RESOLVED that upon receipt of the written order of approval of said City Plan Commission and the approval of the Common Council of the City of Fort Wayne a notice shall be published in accordance with the requirements of I.C. 5-3-1, Blighted Areas of 1981, fixing a date for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

ADOPTED at a Special Meeting of the Fort Wayne Redevelopment Commission held June 30, 1986 in the Council Meeting Room on the 1st Floor of the City-County Building, One Main Street, Fort Wayne, Indiana.

FORT WAYNE REDEVELOPMENT COMMISSION



President



Secretary

ATTEST:

Ronald Fletcher
Assistant Director for Redevelopment

ADOPTED: 6/30/86

This Resolution prepared by and approved as to form and legality by John J. Wernet for the Redevelopment Commission.

RESOLUTION OF THE
FORT WAYNE CITY PLAN COMMISSION

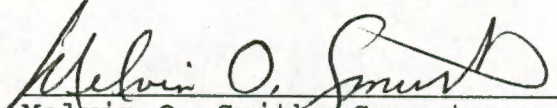
Exhibit
B

The City Plan Commission of the City of Fort Wayne in executive session of July 28, 1986, having before it a copy of the Fort Wayne Redevelopment Commission's Amendment No. 5 to the Civic Center Urban Renewal Plan adopted by the Redevelopment Commission of June 30, 1986, together with the Urban Renewal Plan referred to therein and the necessary supporting data and all of which having been duly considered, the Fort Wayne City Plan Commission upon motion by Ralph Hutner seconded by Steve Smith and unanimously approved, adopted the following resolution:

WHEREAS, the Fort Wayne Redevelopment Commission as submitted to the Fort Wayne City Plan Commission an Amendment No. 5 to the Civic Center Renewal Project by the Fort Wayne City Plan Commission on July 28, 1986, designated as "Civic Center Renewal Project - Amendment No. 5" together with the urban Renewal Plan referred to therein and supporting data all as required by the Redevelopment of blighted Areas Act (36-7-14 of the Acts of 1980 of the General Assembly of the State of Indiana, as Amended and Supplemented) and said Amendment to the Urban Renewal Plan having been duly considered by the Fort Wayne City Plan Commission and founded to be in conformance with the Master Plan of Development for the City of Fort Wayne;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that said Amendment No. 5 to the Civic Center Renewal Project and said Urban Renewal Plan conform to the Master Plan of Development for the City of Fort Wayne and said Declaratory Resolution and Urban Renewal Plan are accordingly hereby approved.

BE IT FURTHER RESOLVED that the President of this Commission be and he is hereby authorized to deliver to the Fort Wayne Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this resolution which shall constitute the approving order of the Fort Wayne City Plan Commission as required by law approving said Civic Center Renewal Project Amendment No. 5.


Melvin O. Smith, Secretary
Fort Wayne City Plan Commission

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Benjamin Eisbart, President of the Fort Wayne City Plan Commission, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Fort Wayne, City Plan Commission at an executive meeting of said Commission held _____, 1986, and as the same appears of record in the official records of the said Plan Commission dated the _____ day of _____, 1986.

Approved:

Benjamin Eisbart, President
Fort Wayne City Plan Commission

RESOLUTION NO. 86-24

DECLARATORY RESOLUTION
AMENDMENT NO. FIVE TO
CIVIC CENTER RENEWAL PROJECT

*added to
R-86-02-02*

WHEREAS, the Fort Wayne Redevelopment Commission has made investigations, studies, and surveys of various blighted, deteriorated, and deteriorating areas within the City of Fort Wayne, Indiana, and of the causes contributing to the blight and deterioration of such areas; and

WHEREAS, such investigations, studies, and surveys have been made in cooperation with the various departments and bodies of said City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values, and as a result of such investigations, studies, and surveys, the Commission has found that the area heretofore described in the Civic Center Renewal Plan dated August 1, 1977 and amended on December 19, 1980, and amended June 21, 1982 and amended on January 28, 1986 and further amended on June 30, 1986 consisting of 22 pages and 5 exhibits is blighted, deteriorated, and deteriorating. Specifically, the following described area in the City of Fort Wayne, Indiana is found and declared to be blighted, deteriorated, and deteriorating to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as amended and supplemented and which area is bounded and described as follows:

BEGINNING at the point of intersection of the northerly right-of-way line of Washington Boulevard and the easterly right-of-way line of Clinton Street; Thence northerly along the easterly right-of-way line of Clinton Street to the northerly right-of-way line of the east west alley running from Clinton Street to Barr Street; Thence easterly along the northerly right-of-way line of the east west alley running from Clinton Street to Barr Street for a distance of approximately 235 feet; Thence northerly along a line parallel to the easterly right-of-way line of Clinton Street for a

distance of approximately 150 feet to the southerly right-of-way line of Wayne Street; Thence easterly along the southerly right-of-way line of Wayne Street to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the southerly right-of-way line of the east west Alley running from Barr Street to Lafayette Street; Thence easterly along the southerly right-of-way line of the east west alley running from Barr Street to Lafayette Street a distance of approximately 287.4 feet to the eastern boundary of Lot 272 of Samuel Hanna's First Addition; Thence northerly along said easterly boundary of Lot 272 of Samuel Hanna's First Addition and continuing along the easterly boundary of Lot 64 of County Addition, a distance of 150 feet to the southerly right-of-way line of Berry Street; thence westerly along the southerly right-of-way line of Berry Street approximately 287.4 feet to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the northerly right-of-way line of Main Street; Thence westerly along the northerly right-of-way line of Main Street to the extension of the easterly right-of-way line of the north south Alley running from Berry Street to Main Street; Thence southerly along the extension of the easterly right-of-way line of the north south alley running from Berry Street to Main Street and along the easterly right-of-way line of the north south alley running from Berry Street to Main Street to the northerly right-of-way line of Berry Street; Thence westerly along the northerly right-of-way line of Berry Street to the westerly right-of-way line of Clinton Street; Thence southerly along the westerly right-of-way line of Clinton Street to the northerly right-of-way line of Wayne Street; Thence westerly along the northerly right-of-way line of Wayne Street to the westerly right-of-way line of Harrison Street; Thence southerly along the westerly right-of-way line of Harrison Street to the southerly right-of-way line of Lewis Street; Thence easterly along the southerly right-of-way line of Lewis Street to the easterly right-of-way line of Calhoun Street; Thence northerly along the easterly right-of-way line of Calhoun Street to the southerly right-of-way line of Jefferson Boulevard; Thence easterly along the southerly right-of-way line of Jefferson Boulevard to the easterly right-of-way line of Clinton Street; Thence northerly along the easterly right-of-way line of Clinton Street to the POINT OF BEGINNING.

and that the public health and welfare would be benefited by the urban renewal of such area under the provisions of said Act; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of the heretofore and hereinafter described blighted, deteriorated, and deteriorating area, the location of the various parcels of property, streets, alleys, and other features affecting the urban renewal of such area, indicating any parcels of property to be excluded from the acquisition and the portions of the area which are to be devoted to

streets, alleys, sewerage, playground and other public purposes under the Urban Renewal Plan; and

WHEREAS, the Commission has caused a separate appraisal to be made of the fair value of each of the parcels to be acquired, and the Commission now finds the estimated cost of acquiring the real property in the blighted, deteriorated, and deteriorating area hereinafter described is approximately Two Hundred Fifty Thousand Dollars and 00/100 (\$250,000.00) and;

WHEREAS, there was presented to this meeting of the Governing Body of the City of Fort Wayne, Department of Redevelopment, for its consideration and approval, a copy of Urban Renewal Plan Amendment for the area comprising the renewal project dated August 1, 1977, amended December 19, 1980, and amended June 21, 1982, and amended January 28, 1986, and further amended June 30, 1986 consisting of 22 pages and 5 exhibits, and;

WHEREAS, this Commission has, at a meeting open to the public, heard evidence and reviewed the maps and plats presented at the meeting and has considered same;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Redevelopment Commission that the Urban Renewal Plan for the Civic Center Renewal Project, dated August 1, 1977, amended December 19, 1980, and amended June 21, 1982 and amended October 7, 1982 and amended January 28, 1986 and further amended June 30, 1986 consisting of 22 pages and 5 exhibits be and the same is hereby approved.

BE IT FURTHER RESOLVED that in all proceedings relating to the urban renewal of the above described area, the same shall be referred to as the Civic Center Renewal Project.

BE IT FURTHER RESOLVED that the Commission now declares the above described area blighted, deteriorated, and deteriorating and a menace to the social and economic interests of the City of Fort Wayne and its inhabitants and that the urban renewal of such area shown on the above described maps and plats under the provisions of the Redevelopment Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as

amended and supplemented) will be of public utility and benefit, and that the Department of Redevelopment of the City of Fort Wayne will acquire all of such land and interests therein within said boundaries with the exception of those parcels to be excluded as indicated on maps of the area.

BE IT FURTHER RESOLVED that the Department of Redevelopment acquire, to the extent monies are available, the following parcels of real estate located on the above described area:

Parcel	Owner	Occupant
8-4	David M. Roth and Ralph Wehrly	Roth and Wehrly Realtors
10-1	City of Fort Wayne, IN	City of Fort Wayne, IN

BE IT FURTHER RESOLVED that the urban renewal of such area be in accordance with the Urban Renewal Plan for the Civic Center Renewal Project.

BE IT FURTHER RESOLVED pursuant to Section 36-7-14-39 of the Redevelopment of Blighted Areas of 1981, as amended and supplemented, as follows:

(a) As used in this Resolution for purposes of distribution and allocation of real property taxes, "allocations area" means all of the blighted area included in the description of real estate in this Declaratory Resolution.

(b) Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property and the allocation area described in the within Declaratory Resolution shall be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:

(i) the assessed value of such property for the assessment date with respect to which the allocation and distribution is made, or

(ii) the assessed value of all such property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this Declaratory Resolution; shall be allocated to and when collected paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to:

(A) pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area;

(B) restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area;

(C) pay the principal and interest of bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under I.C.

36-7-14-27; or

(D) pay principal and interest of bonds issued by the unit to pay for local public improvements in that allocation area, to reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in I.C. 36-7-14-21.1(a)) in that allocation area, or for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under I.C. 36-1-10.

(3) When the monies in the allocation fund are sufficient to pay when due all principal and interest on bonds described herein, and is not needed for the other purposes described herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in clause (1) of this section.

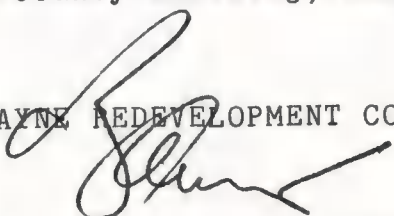
BE IT FURTHER RESOLVED that a copy of this Resolution, together with said Urban Renewal Plan and supporting data be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this Declaratory Resolution and said Urban Renewal Plan conform to the master plan of development for said City and for its written order approving or disapproving for said City and for its written order approving or disapproving this Declaratory Resolution and said proposed Urban Renewal Plan.

BE IT FURTHER RESOLVED that if an approving order is issued by said City Plan Commission, that same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

BE IT FURTHER RESOLVED that upon receipt of the written order of approval of said City Plan Commission and the approval of the Common Council of the City of Fort Wayne a notice shall be published in accordance with the requirements of I.C. 5-3-1, Blighted Areas of 1981, fixing a date for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

ADOPTED at a Special Meeting of the Fort Wayne Redevelopment Commission held June 30, 1986 in the Council Meeting Room on the 1st Floor of the City-County Building, One Main Street, Fort Wayne, Indiana.

FORT WAYNE REDEVELOPMENT COMMISSION



President



Secretary

ATTEST:

Ronald Fletcher
Assistant Director for Redevelopment

ADOPTED: 6/30/86

This Resolution prepared by and approved as to form and legality by John J. Wernet for the Redevelopment Commission.

URBAN RENEWAL PLAN

**CIVIC
CENTER
RENEWAL
PROJECT**

AMENDMENT No.5

FORT WAYNE, INDIANA

FORT WAYNE
REDEVELOPMENT
COMMISSION

CIVIC CENTER RENEWAL PROJECT
URBAN RENEWAL PLAN

Prepared by the
Fort Wayne Redevelopment Commission

Adopted: August 1, 1977

Amended: December 19, 1980, June 21, 1982, October 7, 1982,
January 28, 1986, June 30, 1986

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A. DESCRIPTION OF PROJECT AREA

The Civic Center Renewal Project is bounded generally as follows and as depicted on Map No. 1, Project Boundary:

BEGINNING at the point of intersection of the northerly right-of-way line of Washington Boulevard and the easterly right-of-way line of Clinton Street;

Thence northerly along the easterly right-of-way line of Clinton Street to the east-west alley running from Clinton Street to Barr Street; Thence easterly along the northerly right-of-way line of the east-west alley running from Clinton Street to Barr Street for a distance of approximately 235 feet;

Thence northerly along a line parallel to the easterly right-of-way line of Clinton Street for a distance of approximately 150 feet to the southerly right-of-way line of Wayne Street;

Thence easterly along the southerly right-of-way line of Wayne Street to the easterly right-of-way line of Barr Street;

Thence northerly along the easterly right-of-way line of Barr Street to the southerly right-of-way line of the east-west alley running from Barr Street to Lafayette Street;

Thence easterly along the southerly right-of-way line of the east-west alley running from Barr Street to Lafayette Street for a distance of approximately 210 feet;

Thence northerly to the southerly right-of-way line of Berry Street;

Thence westerly along the southerly right-of-way line of Berry Street to the easterly right-of-way line of Barr Street;
Thence northerly along the easterly right-of-way line of Barr Street to the northerly right-of-way line of Main Street;
Thence westerly along the northerly right-of-way line of Main Street to the extension of the easterly right-of-way line of the north-south alley running from Berry Street to Main Street;
Thence southerly along the extension of the easterly right-of-way line of the north-south alley running from Berry Street to Main Street to the northerly right-of-way line of Berry Street;
Thence westerly along the northerly right-of-way line of Berry Street to the westerly right-of-way line of Clinton Street;
Thence southerly along the westerly right-of-way line of Clinton Street to the northerly right-of-way line of Wayne Street;
Thence westerly along the northerly right-of-way line of Wayne Street to the westerly right-of-way line of Harrison Street;
Thence southerly along the westerly right-of-way line of Harrison Street to the southerly right-of-way line of Lewis Street;
Thence easterly along the southerly right-of-way line of Lewis Street to the easterly right-of-way line of Calhoun Street;
Thence northerly along the easterly right-of-way line of Calhoun Street to the southerly right-of-way line of Jefferson Boulevard;
Thence easterly along the southerly right-of-way line of Jefferson Boulevard to the easterly right-of-way line of Clinton Street;
Thence northerly along the easterly right-of-way line of Clinton Street to the POINT OF BEGINNING.

B. STATEMENT OF PROJECT OBJECTIVES

1. General Objectives

- a. To enhance the downtown core area through the development of a multi-use complex of civic and related facilities in accord with the Downtown Concept Plan endorsed by the City Council and Redevelopment Commission.
- b. To enhance the downtown core area through the development of a specialty retail center and office complex.
- c. To support existing and proposed downtown development by generating new activities, particularly in the evenings and on weekends, necessary parking and other related facilities,
- d. To encourage rehabilitation of adjacent areas.
- e. To remove blighting influences and substandard, obsolete structures which adversely affect downtown development opportunities.
- f. To promote attractive, efficient development in accord with the total development program for downtown.

- g. To provide improved pedestrian and vehicular circulation, adequate off-street parking, and loading facilities, and better relationship to mass transit.

2. Specific Design Objectives

- a. To develop a civic and convention center on the block bounded by Harrison, Washington, Calhoun, and Jefferson Streets, including banquet, exhibition and meeting facilities with direct physical and functional connections to an adjacent hotel, the Embassy Theater, and off-street parking.
- b. To rehabilitate and restore the Embassy Theater - a structure listed on the National Register of Historic Places - and to rehabilitate and adapt for compatible uses the attached structure, and former Indiana Hotel.
- c. To provide direct all-weather pedestrian connections between the various uses within the project as well as to new and existing uses in adjacent blocks.
- d. To design and develop buildings, plazas, parks, and related open space in the Project Area that are attractive to both users and passers-by and that are carefully woven into the entire downtown fabric.

- e. To transform the block bounded by Washington Boulevard and Wayne, Calhoun and Harrison Streets (Courtyards) into specialty retail area utilizing the block's alleys as design elements tying the various uses together and encouraging the use of upper level floor space.
- f. To acquire the necessary parcels within the Courtyards project that will allow the project to occur in accordance with the attached land acquisition plan.
- g. To encourage the reoccupancy of the former Ayres building with uses reinforcing the downtown's office and retail sectors.

C. URBAN RENEWAL TECHNIQUES TO BE USED

1. Acquisition and Clearance

Conditions and reasons under which properties may be acquired and cleared are as follows:

- a. To remove buildings with major deficiencies which are substandard, warranting clearance.
- b. To remove buildings with minor deficiencies in order to effectively remove blighting influences which include the following:

1. Incompatible land uses or land use relationships.
 2. Overcrowding of structures on parcels.
 3. Obsolete buildings not suitable for conversions.
-
- c. To provide adequate sites for development, in accordance with the stated design criteria, to meet the goals and objectives of the overall plans for the area.
 - d. To enable necessary public improvements to be made, in accordance with the overall plans for the area.
 - e. The real property to be acquired is shown on the Land Acquisition Plan (Map No. 2).

2. Rehabilitation

Only one structure in Blocks 1-5 is proposed to be rehabilitated under the plan - the Embassy Theater and attached building on the southeast corner of Harrison Street and Jefferson Boulevard. Rehabilitation shall be carried out in accord with all applicable codes and ordinances to the historic and architectural significance of the structure. Reuse of the attached former Indiana Hotel shall be encouraged which complements the functions of the Embassy Theater and other components of the civic center area.

In Block 6, 12 of the 20 structures are rated as substandard and are proposed to be rehabilitated. Moreover, those structures not in need of rehabilitation to bring them up to standard may be improved so as to facilitate coordination with the proposed Courtyards. In Block 8, the former Ayres building will be renovated for a combination of retail and office uses.

Other structures proposed to remain in the Project Area are either standard or are proposed for removal by their owners. The properties to be removed by action of the owners are parcels 5-2, 5-5, 5-6a, and 5-6b. Parcel 5-4 is standard and conforms to plan standards as is Parcel 5-1 which is newly constructed. It is the intent of this Plan for all structures in the Project Area to meet all applicable codes and ordinances of Fort Wayne.

3. Acquisition Policies

The Redevelopment Commission will follow the land Acquisition Procedure set forth in the Redevelopment of Cities and Towns Act of 1953 as amended and supplemented. This Act provides for the acquisition of land by the Redevelopment Commission through the exercise of the power of eminent domain should that be deemed necessary by the Commission.

4. Relocation Policies

All relocation benefits and services will be provided in accordance with the Uniform Relocation and Acquisition Policies Act of 1979.

5. Leasing

In order to facilitate implementation of actions which will meet the objectives of this Plan, the Redevelopment Commission may lease property it has acquired to private or public entities. The Redevelopment Commission will follow the procedures for leasing of real property described in Section 36-7-14-22 of the Indiana Code.

6. Acquisition of Easements

Where necessary to carry out this Plan, the Redevelopment Commission may acquire easements permitting the installation, relocation, or attachment of public utilities, or improvements on property which the Commission does not own.

7. Project Improvements

The provision of public improvements in the Project Area will be undertaken as required to accommodate new development and enhance the function and appearance of the Project Area. Such improvements will include, but not be limited to the following:

a. Relocation of Existing Utilities

Existing utilities (public and private) will be relocated when necessary to achieve project objectives. All utility relocation shall be underground, where feasible, or otherwise below pedestrian level.

b. New Utilities

When necessary to serve new or existing uses, new utilities will be provided. Any such new utilities shall be underground, where feasible, or otherwise below pedestrian levels.

c. Streets and Sidewalks

New sidewalks, street trees, and landscaped areas will be provided throughout the Project Area with particular emphasis on creating pedestrian amenities on Calhoun Street. Streets will be rebuilt or repaved as necessary.

d. Parking Garages

One or more parking garages will be provided to meet the needs of new and existing uses within the Project Area as well as new or existing uses adjacent to the Project Area. The size of the garage(s) will be based on present and future needs of all uses within the service area.

e. Parks, Plazas, and Pedestrian Bridges

Based on final plans for buildings within the Project Area, parks, and plazas will be developed to provide open space, areas for pedestrians to congregate, and appropriate settings for the various buildings. Development of second level pedestrian bridges will be encouraged to connect parking garages to buildings and buildings to each other within the civic center area and adjacent blocks.

f. Courtyards

In addition to the above improvements, implementation of the Courtyards may require creation of second level walkways over existing alleys, construction of a cover to enclose the alleys, provision of new or expanded entrance ways to the alleys, and other related improvements.

D. LAND USE PLAN AND DEVELOPMENT CONTROLS

1. Land Use Plan

Map No. 3, "Land Use Plan" and Map No. 4, "Right-of-Way Adjustment Plan" show the proposed:

- a. Thoroughfares and street right-of-way.
- b. Land use areas.

2. Land Use Provisions and Building Requirements

In order to achieve the objectives of this Urban Renewal Plan, the use of land in the Project Area will be subject to the regulations and controls specified in this section.

3. Permitted Uses

The entire Project Area shall be designated as a Civic/Commercial Use Area and the following uses shall be permitted within the project area.

- a. Places of public assembly including, but not limited to exhibition halls, banquet and meeting rooms, theaters, health clubs, and related accessory uses and functions.
- b. Hotels, restaurants, bars, and related accessory uses and functions.
- c. Off-street parking facilities, including parking garages.
- d. Retail stores, offices and business and personal service establishments, and related accessory uses and functions.
- e. Parks, plazas, and open spaces including conservatories and botanical gardens.

- f. Other suitable public and quasi-public uses.

4. Development Controls

a. Building Height

No building shall exceed 300 feet in height.

b. Setbacks

No setbacks from street or property lines are required.

c. Parking

No off-street parking shall be required on the site of any particular use. However, prior to final approval of any development plan, the Fort Wayne Redevelopment Commission shall make a determination that sufficient parking to serve proposed uses is or will be available within 500 feet of the site.

d. Loading and Service

Servicing of all buildings shall be off-street. Developers shall demonstrate that sufficient off-street loading will be provided to meet the needs of the specific reuse proposed, but in any event, at least one loading space shall be provided for each 40,000 square feet of gross floor areas or major fraction thereof.

Each loading space shall be at least 40 feet long, 15 feet wide and 14 feet high. Off-street loading facilities shall be so designed as to discourage vehicles from backing into and servicing within public streets and across sidewalks, and shall be screened from adjacent streets.

e. Signs

All signs shall be incidental, customary to, and commonly associated with the principal use. Except for a sign providing general information on activities occurring in the Civic Center Renewal Project Area, rooftop, flashing, moving or intermittently illuminated signs or advertising devices are prohibited, as are signs which may be mistaken for traffic control devices. Signs attached to and parallel to a building shall not extend above or beyond the building facade and shall project no more than 18 inches from the wall to which it is attached. Signs perpendicular to a building facade shall extend no further than 3 feet from the facade, unless suspended beneath a marquee, covered walkway, or arcade.

f. Other Regulations and Controls Applying to the Urban
Renewal Area

1. In the event of any question regarding the meaning of the controls or other provisions of this Urban Renewal Plan, the interpretation placed thereon by the Fort Wayne Redevelopment Commission shall be final and binding.
2. No use shall be permitted, which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.
3. The Fort Wayne Redevelopment Commission may establish such interim uses as it deems feasible and desirable in the public interest on property which has been acquired and not yet sold to a developer, provided such interim use does not have an adverse effect upon the surrounding area.
4. Unless paved, all open areas shall be landscaped and maintained in an attractive condition.

5. There shall be no restriction of occupancy or use of any part of the Project Area or any facility constructed in the Project Area on the basis of race, creed, color, sex, or national origin.

6. All public improvements made within the Project Area shall be designed so as to facilitate access by the handicapped.

5. Development Plan Review

The Fort Wayne Redevelopment Commission shall review all developers' proposals for compatibility with the project and design objectives. In such review, the Commission may draw upon such technical assistance as it deems necessary.

The Commission shall inform all proposed developers of specific design requirements and objectives prior to the disposition of any project land.

As soon as possible after the selection of a developer, the Commission shall inform him of required submission material in accord with its established review procedures.

For all proposed project development, the site plan, exterior design of all buildings, architectural treatment, landscaping, signs, and other items related to design objectives, shall be subject to the approval of the Fort Wayne Redevelopment Commission.

6. Zoning

The entire project area is presently zoned B3A General Business District A.

No change in this zoning designation is proposed.

7. Duration of Controls

This plan, its regulations, and requirements shall be in effect for fifty (50) years from the date of its adoption by the Fort Wayne Redevelopment Commission, City Council of Fort Wayne, City Plan Commission, and other legally designated agencies.

E. OBLIGATIONS TO BE IMPOSED ON REDEVELOPERS

1. The land acquired by the Redevelopment Commission, City of Fort Wayne, will be disposed of subject to an agreement between the Commission and the developer or redeveloper. The developer or redeveloper will be required by the contractual agreement to observe the development controls. The developer or redeveloper will not be permitted to defer

the start of construction for a period longer than that required for the preparation of necessary plans, their review, and approval by the Redevelopment Commission, City of Fort Wayne, and other governing agencies.

In addition, the following provisions will be included in the agreement:

- a. That the developer or redeveloper will submit to the Commission a plan and schedule for the proposed development or redevelopment.
- b. That the purchase of the land is for the purpose of development of redevelopment and not for speculation.
- c. That the building or improvements will be completed within a reasonable time.
- d. That the developer or redeveloper, their successors or assigns, agree that there will be no discrimination against any person or group of persons on account of race, creed, color, sex, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy,

tenure, or enjoyment of the premises therein conveyed or improvements erected or to be erected thereon. The above provision will be perpetual and will run with the land disposed of within the Project Area by the Redevelopment Commission, City of Fort Wayne.

2. Additional controls, restrictions and building requirements may be imposed by the Redevelopment Commission, City of Fort Wayne, in its Notice to Bidders or Instructions to Bidders.

F. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

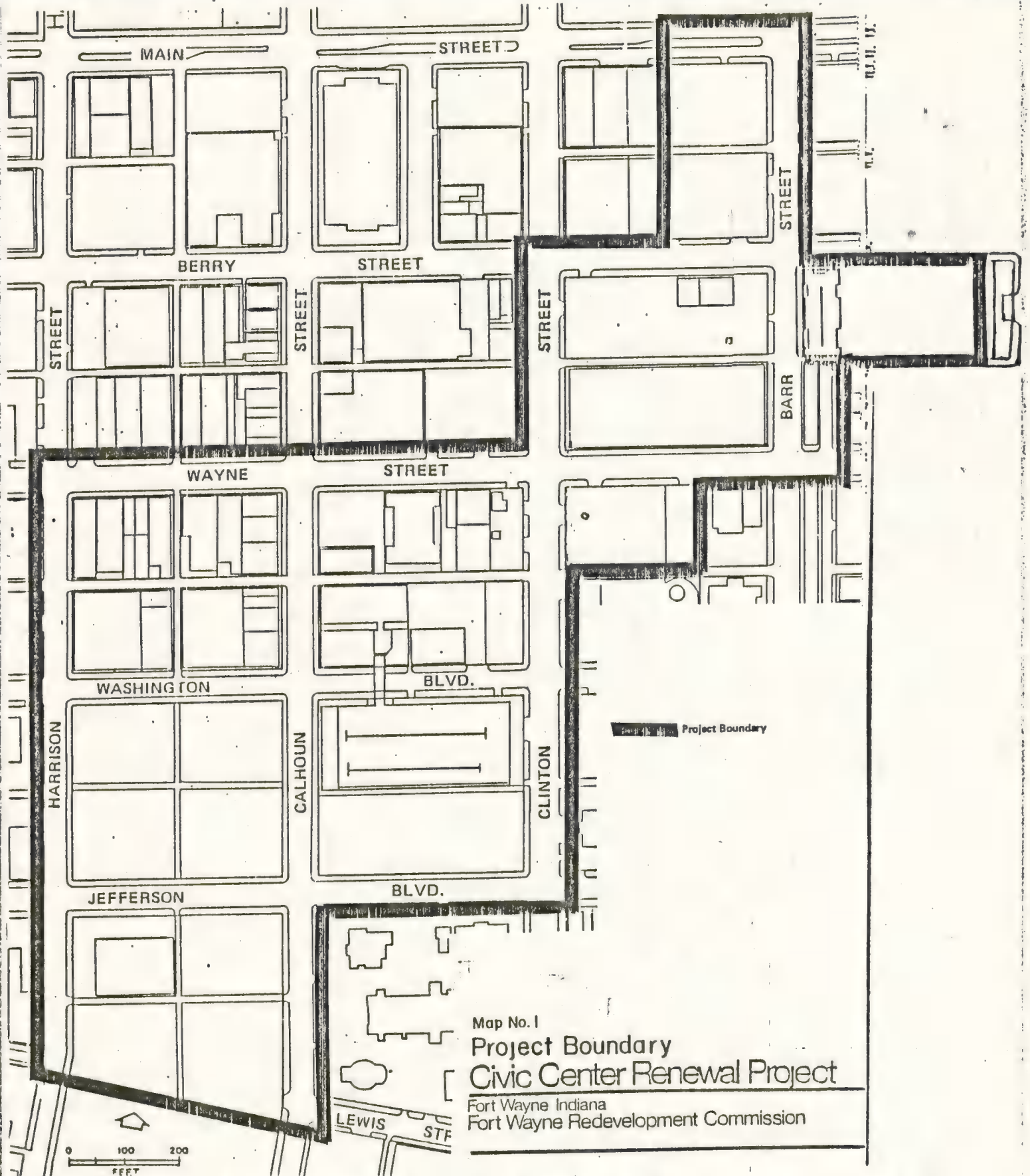
All provisions necessary to conform with State and Local law have been complied with by this Plan and supporting documents as follows:

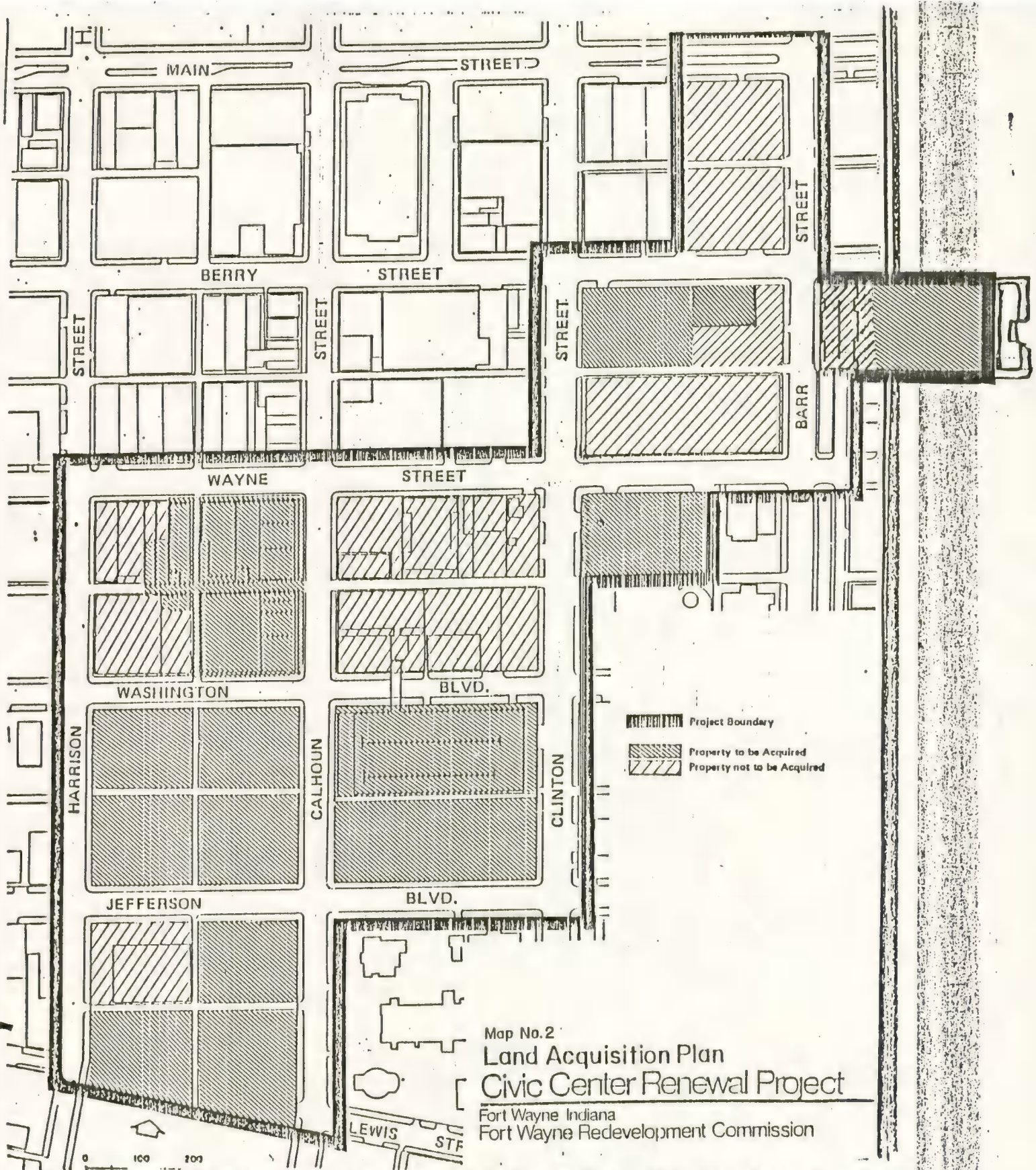
1. A resolution declaring the amended Civic Center Renewal Project Area as a blighted, deteriorated, or deteriorating area has been adopted by the Fort Wayne Redevelopment Commission.
2. The Urban Renewal Plan indicates the extent and location of land acquisition, demolition, public improvements, rehabilitation, and proposed redevelopment.
3. No zoning changes are required by the Plan.
4. The Plan sets forth the permitted land uses, densities, building requirements, and other development controls.

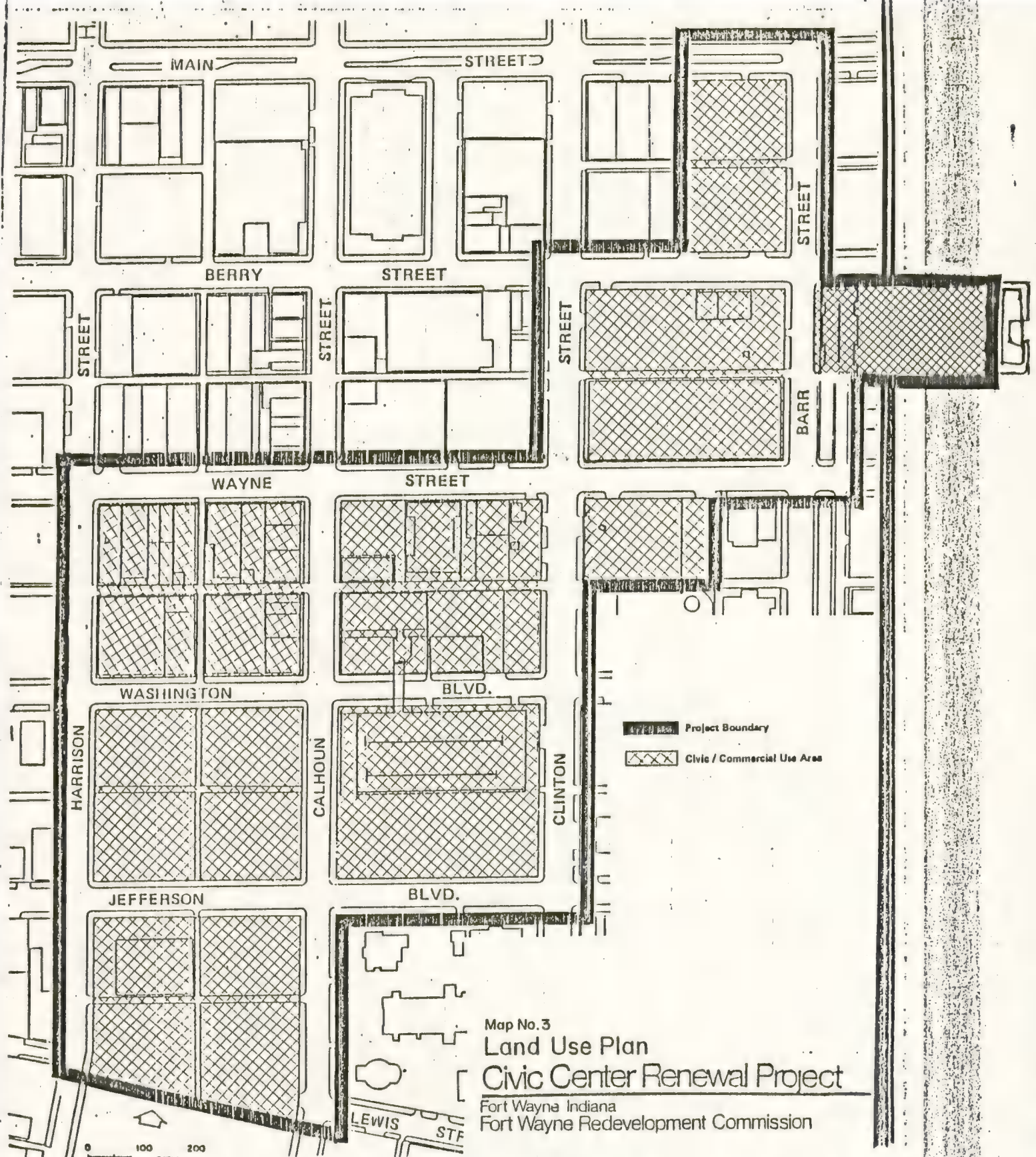
5. The Plan conforms to the General Plan for the City as a whole and to definite local objectives. Specifically, a Development Plan for downtown was prepared by the Redevelopment Commission in the Fall of 1976. This plan indicated a development strategy for downtown, as well as specific land use and development proposals, transportation and parking proposals, and a design framework. The "First Stage Development Plan" which includes the Civic Center Urban Renewal Area, was adopted by the Redevelopment Commission on November 8, 1976, reviewed by the City Plan Commission in November, 1976 and endorsed by the City Council on December 14, 1976.

G. PROCEDURE FOR CHANGES IN THE APPROVED URBAN RENEWAL PLAN

The Urban Renewal Plan may be modified or varied at any time by a resolution of the City of Fort Wayne Redevelopment Commission; provided, however, that any change directly and substantially affecting any property or contractual right vested in and by the effectuation of the Urban Renewal Plan may be made only after the Commission has received the consent to the change, in writing, from the owner of such vested right. It is further provided that if such written consent cannot be obtained or if the Redevelopment Commission deems the proposed change in the Urban Renewal Plan to be substantial, then the Commission shall approve such change only in accordance with the same procedure by which the Plan was originally adopted.







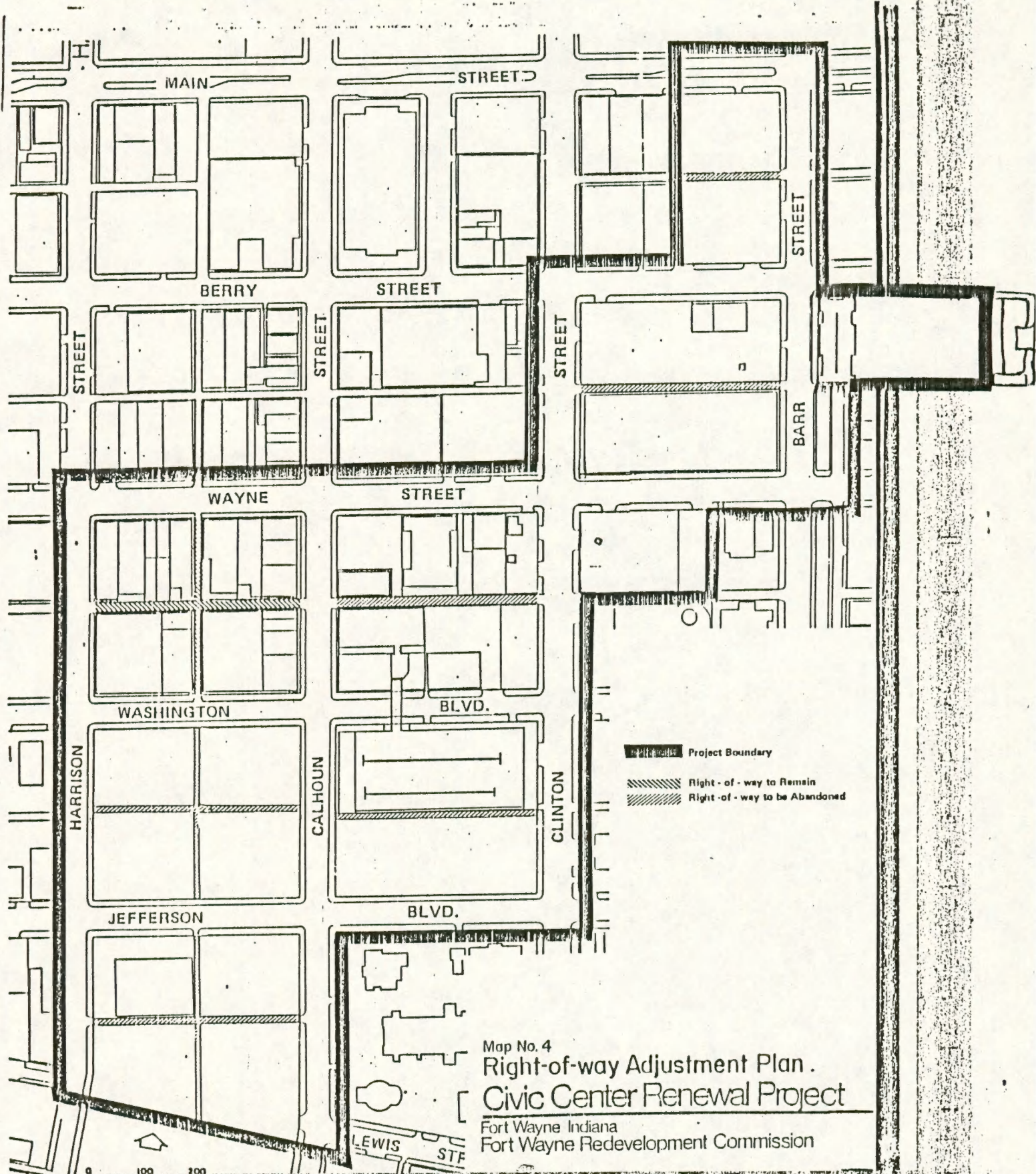


Exhibit No. 5

All properties identified for acquisition in the Civic Center Urban Renewal Plan and amendment 1 thru 4 are hereby recognized as being accumulative except parcel 8-4, David M. Roth & R. Wehrly, which was excluded from acquisition in amendment No. 4 per David M. Roth & R. Wehrly request. The following properties identified for acquisition are only those in block 6, 7, 8, and 10.

Property to be Acquired - Amendment No. 5

Amendment No. 5 includes parcel 8-4 (N.M Roth & R. Wehrly) for acquisition and extends the Civic Center Urban Renewal area east into Block No. 10 and identifies one additional parcel for acquisition 10-1. The City of Fort Wayne owns parcel No. 10-1 and have requested it be included for acquisition.

The following parcels identified for acquisition are only those in block 6, 7, 8, and 10.

Property to be Acquired - Amendment No. 5

<u>Parcel No.</u>	<u>Owner</u>	<u>Occupant</u>	<u>Size (sq. ft.)</u>
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8-4	David M. Roth and Ralph Wehrly	Roth-Wehrly Realty	3,815
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10-1	City of Fort Wayne	Parking Lot	27,150
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Other Accumulative Parcels to be Acquired

7-1	Lincoln National Bank	Parking Lot	25,875
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7-2	Lester E. and Bernard Frankenstein and Hanna Zacher	Parking Lot	9,375
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8-2	Lincoln National Bank	Parking Lot	25,875
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8-3	R. O. and Dorothy Adams	Adams Appliance	4,760
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6-3	Scott & Gertrude Snyder	Wayne U. of C.	1,200
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6-4	Four Winds Beauty Salon, Inc.	Four Winds Beauty Salon	2,400
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6-7	Fort Wayne National Bank	7a. M & N Shoes 7b. Greenblatts	6,291 5,491
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<u>Parcel No.</u>	<u>Owner</u>	<u>Occupant</u>	<u>Size (sq. ft.)</u>
6-10	L & J Eating Place, Inc.	The Eating Place	12,390
6-12	L. E. Shine	Atlantis Travel	6,430
6-13	J & K Lebamoff	Law Offices	6,216
6-15	C. T. Salk	New York Dentists	2,800

BILL NO. R-86-08-02

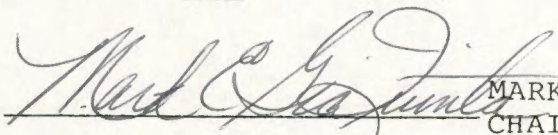
REPORT OF THE COMMITTEE ON FINANCE

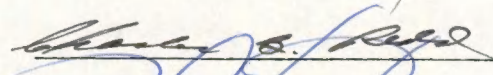
WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) RATIFYING AND APPROVING
DECLARATORY RESOLUTION 86-24 OF THE FORT WAYNE REDEVELOPMENT COMMISSION
AND THE APPROVING RESOLUTION OF THE FORT WAYNE PLAN COMMISSION

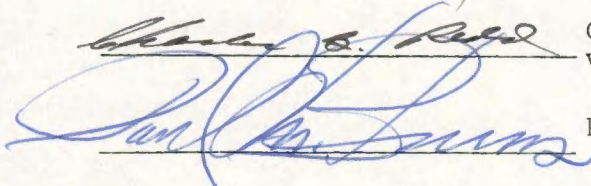
HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (~~ORDINANCE~~)
(RESOLUTION) _____

YES

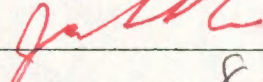
NO

 MARK E. GiaQUINTA
CHAIRMAN

 CHARLES B. REDD
VICE CHAIRMAN

 PAUL M. BURNS

JANET G. BRADBURY

 JAMES S. STIER

CONCURRED IN 8-12-86

SANDRA E. KENNEDY
CITY CLERK